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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,118	03/12/2004	Jeffrey W. Meyer	C03-04	8240

40990 7590 10/31/2006

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EXAMINER
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PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,118

Applicant(s)

MEYER ET AL.

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office action is responsive to communication received 08/16/2006 –  
Amendment.

Claims 11-27 have been canceled, as directed.

Claims 1-10 and 28 remain pending.

Following is an action on the MERITS:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabu ('719). At the outset, it is noted that the instant, claimed language found in claims 1-10 is being accorded a filing date of 03/12/2004, since the claimed subject matter belongs to the "in-part" portion of this current CIP filing, with the parent (10/428,061) and grandparent (09/551,771) files being void of this subject matter. As to claims 1-6, reference is made to column 3, line 25 through column 4, line 61, wherein Yabu communicates that a variety of material combinations may be used to fashion the main body and the crown. Here, inner layer (23), which is made of titanium material, serves as the claimed titanium mesh. The inner layer is disclosed as having the same general outline of the outer crown surface (21) and thus covers substantially the entire under surface of the crown. As to claim claims 8 and 9, Yabu notes that the body may be cast

(column 3, line 41). Although the specific titanium material is not revealed by Yabu, the skilled artisan, working with the Yabu teachings, would have found it obvious to select a suitable titanium material based upon the degree of vibration absorption desired. As to claim 7, while Yabu does not discuss forging, it is well-known that forging is often used to fabricate shell pieces for hollow-metallic club heads. In this case, a forging process, as required by claim 7, does not necessarily distinguish the claimed invention from the Yabu teaching, as the resulting product yielded through the manufacture of the body by either casting or forging would have been identical in appearance and function. Specific to claim 10, to have modified Yabu to include the claimed coefficient of restitution (COR) would have been obvious in view of the current USGA regulations regarding the maximum COR.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu ('790). At the outset, it is noted that the instant, claimed language found in claim 28 is being accorded a filing date of 03/12/2004, since the claimed subject matter belongs to the "in-part" portion of this current CIP filing, with the parent (10/428,061) and grandparent (09/551,771) files being void of this subject matter. Reference is made to Figure 5 and 6 and the language in paragraphs [0033] and [0039] detailing that the golf club head includes a body portion formed of a first material, such as stainless steel, and a crown portion formed of a second material, such as carbon fiber. Note how material (c) serves as a vibration dampening material integral with and covering only the outer inside edge surface of the crown portion, as broadly as claimed. Lu differs from the claimed invention in that Lu does not disclose titanium mesh. Inasmuch as Lu

recognizes that the material ( c ) is to be used for vibration absorption, it is not seen how the claimed titanium mesh would provide any new or unexpected benefit or advantage. Thus, the use of the claimed titanium mesh would have been obvious to the skilled artisan, merely to select another commonly available material that has characteristics that would enable said material to adequately perform as a vibration absorption element.

#### ***Further References of Interest***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figures 2, 6A-7C in Kusmamoto. See Figures 3 and 4 in Onoda.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 and 28 have been considered but are moot in view of the new ground(s) of rejection.


#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp  
October 26, 2006

  
**Sebastiano Passaniti**  
Primary Examiner